

PTO/SB/21 (09-04)

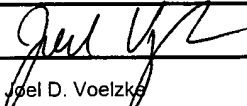
Approved for use through 07/31/2006. OMB 0651-0031

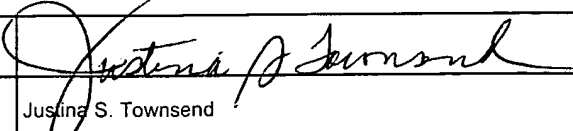
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/534,222	
	Filing Date	May 6, 2005	
	First Named Inventor	John Barry FINN	
	Art Unit	Not Yet Assigned	
	Examiner Name	Not Yet Assigned	
Total Number of Pages in This Submission	19	Attorney Docket Number	123-002

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Declaration of Barry Meskin 2. Declaration of Brian Douglas Jenkins 3. Postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Intellectual Property Law Office of Joel D. Voelzke		
Signature			
Printed name	Joel D. Voelzke		
Date	August 21, 2006	Reg. No.	37,957

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature 			
Typed or printed name	Justina S. Townsend	Date	August 21, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**BEST AVAILABLE COPY**

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 21, 2006

  
Justina S. Townsend

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Attorney Docket No. : 123-002  
First Named Inventor: : John Barry FINN  
Application No. : 10/534,222  
Filing Date : May 6, 2005  
Title : A DISTILLATION UNIT AND A METHOD OF DISTILLATION  
Art Unit : Not Yet Assigned  
Examiner's Name: : Not Yet Assigned  
Customer Number: : 47533

**SECOND RENEWED PETITION UNDER 37 C.F.R. 1.47(a)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

This paper is in response to the Decision on Petition (undated) received by Applicant on July 17, 2006.

In the Decision on Petition, the Office states that:

The Declaration of Phillip Pluck states that Mr. Finn refused to execute the inventor's declaration in a conversation dated 09 June 2006. However, it is unclear from the present Petition and accompanying documents whether John Barry Finn has been presented with a complete copy of the application papers (specification, claims, drawings, and oath/declaration) as required. Lastly, the declarations of Brian Douglas Jenkins and Phillip Pluck failed to provide the circumstances of the presentation of the application papers to John Barry Finn.

In response, Applicants submit the Declaration of Barry Meskin dated 21 August 2006. Mr. Meskin is the Australian attorney representing the owner of the application, H2O Holdings. In the Declaration, Mr. Meskin states that he couriered to Mr. John Barry Finn a package including the U.S. application and the corresponding priority PCT

application (including the specification, drawings, and claims for each application), along with the inventor's declaration and a cover letter. Mr. Meskin includes documentation including the letter sent by Mr. Meskin to Mr. Finn asking that he execute the inventor's declaration, as well as documents from the courier service, TNT, showing successful delivery of the package to Mr. Finn.

Mr. Meskin provides additional documentation regarding telephone calls and a follow-up letter which he sent to Mr. Finn asking Mr. Finn to return the Declaration, but that Mr. Finn never responded to any of Mr. Meskin's communications.

Applicants respectfully submit that the Declaration of Barry Meskin provides the proof required by MPEP §409.03(d) that a bona fide attempt was made to present a copy of the application papers to the non-signing inventor, but the inventor refused to sign the Declaration.

Additionally, Applicants submit a copy of the Declaration of Brian Douglas Jenkins dated 30 June 2006, which Applicants previously submitted. Mr. Jenkins is a co-inventor of the present application. Mr. Jenkins' Declaration evidences Mr. Jenkins' prior attempts to persuade Mr. Finn to sign the inventor's declaration, but that on two occasions Mr. Finn explicitly refused to sign the inventor's declaration.

### CONCLUSIONS

Applicants submit that by this submission, the requirements for a substitute declaration on behalf of the non-signing inventor John Barry Finn have been satisfied, and urges that the application is now in condition for passing to examination on the merits.

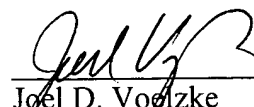
No petition fee is seen as necessary in connection with the paper, because the petition fee was previously paid.

Respectfully submitted,

INTELLECTUAL PROPERTY LAW OFFICE OF  
JOEL D. VOELZKE

DATED: August 21, 2006

By:



Joel D. Voelzke

Registration No. 37,957

400 Corporate Pointe, Suite 300  
Culver City, CA 90230  
Tel: (310) 590-4525  
Fax: (310) 590-4526

Enclosures:

Declaration of Barry Meskin  
Declaration of Brian Douglas Jenkins

**DECLARATION UNDER 37 CFR § 1.47 AND 37 CFR § 1.64  
REGARDING NON-SIGNING INVENTOR**

I, Barry Meskin, hereby declare as follows:

1. I am an Australian Registered Patent Attorney, practicing at the firm of Shelston IP in Sydney, Australia.
2. Shelston IP, in conjunction with the Intellectual Property Law Office of Joel Voelzke, has responsibility for the prosecution of United States Patent Application Serial No. 10/534,222 entitled A DISTILLATION UNIT AND A METHOD OF DISTILLATION.
3. On 3 August 2006, I couriered to Mr John Barry Finn a package including a cover letter dated 3 August 2006, a copy of US Application No. 10/534222 (including the specification, drawings and claims), PCT Application PCT/AU03/01480 (including the specification, drawings and claims) and the inventor's declaration. A copy of the letter dated 3 August 2006 is attached hereto.
4. The courier package was sent using the courier company TNT Express and was allocated the consignment No. 482491506. A copy of the courier receipt is attached along with an extract of the TNT database showing that delivery of the package took place on 4 August 2006.
5. No response was received from Mr John Barry Finn in relation to the letter and courier package and on 10 August 2006 I telephoned Mr John Finn, at telephone number 02 4362 8945 and left a voice message asking Mr Finn to sign and return the declaration, but I received no response.
6. On 15 August 2006 I again telephoned Mr John Barry Finn, at telephone number 02 4362 8945 and left a voice message asking Mr Finn to sign and return the declaration, but I received no response.
7. On 16 August 2006 I sent a letter to Mr John Barry Finn asking him to return the declaration but I received no response. A copy of the letter dated 16 August 2006 is attached hereto.
8. I am advised that Mr. Finn's last known address is:

John Barry Finn  
1 Ourimbah Street  
Lisarow, New South Wales 2250  
Australia

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such wilful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 21 August, 2006

  
Barry Meskin

ABN 58 855 816 942

**COPY**

Mr John Barry Finn  
1 Ourimbah Street  
Lisarow  
New South Wales  
2250

**3 August 2006**

Your Ref:

Our Ref: 37373USP00

Dear Mr Finn

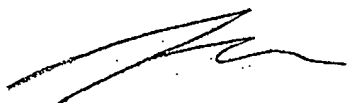
**United States Patent Application No. 10/534222 & PCT  
application No. PCT/AU03/01480  
H2O Holdings Pty Ltd  
Title: A DISTILLATION UNIT AND A METHOD OF  
DISTILLATION**

We represent H2O Holdings Pty Ltd in the above-mentioned patent applications. We note that you are listed as an inventor on these applications and enclose the following documents for your attention:

1. US Application No. 10/534222 (including the specification, drawings and claims) as filed;
2. PCT Application PCT/AU03/01480 (including the specification, drawings and claims) as filed; and
3. the inventors declaration.

We ask that you execute the inventor's declaration and return it to us in the enclosed reply paid envelope. We would be grateful if you could return the executed declaration within one week of the date of this letter.

Yours sincerely  
**Shelston IP**



**Barry Meskin**  
Patent Attorney

Email: [barrymeskin@ShelstonIP.com](mailto:barrymeskin@ShelstonIP.com)

End      US application  
          PCT application  
          Inventor's declaration

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Sydney, NSW 2000  
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University Drive  
Callaghan, NSW 2308

Telephone +61 2 4921 7366  
Facsimile +61 2 4921 7367

General  
DX 10339  
Sydney Stock Exchange

Email: [email@ShelstonIP.com](mailto:email@ShelstonIP.com)  
Internet: [www.ShelstonIP.com](http://www.ShelstonIP.com)

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<b>TNT</b>		DCV01/05		3KG		365.60 151.32.34		AUSTRALIA WIDE PICK UPS 13 11 50	
Sender SHELSTON IP				Receiver					
Address LEVEL 21, 60 MARGARET ST				Address 1 QUEENSLAND STREET					
City SYDNEY		State NSW		Postcode 2000		City LISAROW		State NSW	
Postcode 2000		City LISAROW		State NSW		Postcode 22510			
Contact Name INGRID				Phone 02 9777 1111		Contact Name JOHN BARRY FINE			
Description of Contents DOCUMENTS: 3737303P00 B1M				SAMEDAY UPGRADE <input type="checkbox"/>		Saturday or weekend delivery or after hours pick up services are only available using "Sameday Upgrade". Please complete special instructions. Additional charges will apply for light bulky items (cubic 250m³) and items exceeding weight limit.			
EXTENDED WARRANTY NOT AVAILABLE				482491506					
DANGEROUS GOODS: This consignment note MUST NOT be used for shipping DANGEROUS OR HAZARDOUS goods. Contact your nearest TNT office for further information.				Special Instructions					
Agreement: We submit the goods described above for carriage and agree that the Standard Terms and Conditions of Contract overleaf and TNT's Rate Agreement (if applicable) apply to the carriage of these goods.				Receiver's Name (Print)					
Sender's Signature <i>[Signature]</i>				Date 03-04-06		Time		Received in good order Receiver's Signature	
Total Cubic Measurement cmX cmX cm= m³				Date		Time		Account Number 7027811	
TNT USE ONLY				Pick up car no.		Time		Delivery car no. Time	

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## Consignment Status History

Consignment No: 482491506

Status	Date	Time	Depot
Picked Up	03/08/2006	17:16	Sydney M
Received in Depot	03/08/2006	19:58	Sydney M
On Board For Delivery-Full	04/08/2006	05:42	Gosford
Delivered in Full	04/08/2006	08:48	Gosford
Proof of Delivery Image	07/08/2006	08:28	Gosford

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ABN 58 855 816 942

Mr John Barry Finn  
1 Ourimbah Street  
Lisarow  
New South Wales  
2250

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16 August 2006

Your Ref:

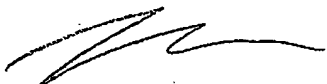
Our Ref: 37373USP00

Dear Mr Finn

United States Patent Application No. 10/534222 & PCT  
application No. PCT/AU03/01480  
H2O Holdings Pty Ltd  
Title: A DISTILLATION UNIT AND A METHOD OF  
DISTILLATION

We refer to our letter of 3 August 2006 and note that we have not yet received the executed inventor's declaration enclosed with our letter. We would be grateful if you would execute and return the declaration to us prior to 21 August 2006.

Yours sincerely  
Shelston IP



Barry Meskin  
Patent Attorney

Email: [barrymeskin@ShelstonIP.com](mailto:barrymeskin@ShelstonIP.com)

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Brisbane, QLD 4000  
Telephone +61 7 3360 0299  
Facsimile +61 7 3360 0222

Newcastle  
Level 1, IDC House  
University Drive  
Callaghan, NSW 2308  
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Facsimile +61 2 4921 7367

General  
DX 10339  
Sydney Stock Exchange  
Email: [email@ShelstonIP.com](mailto:email@ShelstonIP.com)  
Internet: [www.ShelstonIP.com](http://www.ShelstonIP.com)

DECLARATION UNDER 37 CFR § 1.47 AND 37 CFR § 1.64  
REGARDING NON-SIGNING INVENTOR

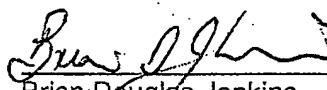
I, Brian Douglas Jenkins, hereby declare as follows:

1. I am a Director of H2O Holdings Pty Ltd. ("H2O Holdings") in Australia.
2. In this capacity with H2O Holdings, I worked together with John Barry Finn, who was also a Director of H2O Holdings at the time.
3. Working together, Mr. Finn and I jointly conceived and developed as co-inventors in the invention entitled A DISTILLATION UNIT AND A METHOD OF DISTILLATION, for which U.S. Patent Application Serial No. 10/534,222 was filed on May 6, 2005.
4. Mr Finn has ceased being an active Director of H2O Holdings.
5. On 17 December 2003 I met with Mr Finn and personally gave to him a printed copy of an email dated 10 December 2003 along with its attachments which consisted of three documents entitled "Appointment of Agent", "Assignment" and "Box No. VIII (iv) DECLARATION: INVENTORSHIP" (referred to herein as "the Inventor's Declaration"). A copy of the email dated 10 December 2003 and its attachments is attached hereto as annexure BDJ-1.
6. At the meeting mentioned in the preceding paragraph, Mr Finn stated words to the effect that he would not sign the Inventor's Declaration.
7. On 18 December 2003 I again met with Mr Finn and said words to the effect of asking him if he would sign the Inventor's Declaration. Once again Mr Finn said words to the effect that he would not sign the Inventor's Declaration.
8. I am advised that Mr Finn's last known address is:

John Barry Finn  
1 Ourimbah Street  
Lisarow, New South Wales 2250  
Australia

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated 30<sup>th</sup> June, 2006

  
Brian Douglas Jenkins

THIS IS THE ANNEXURE marked **Annexure BDJ-1** referred to in the

DECLARATION UNDER 37 CFR § 1.47 AND 37 CFR § 1.64  
REGARDING NON-SIGNING INVENTOR

of **Brian Douglas Jenkins**

**Kate Lee**

**From:** Jack Redfern  
**Sent:** Wednesday, 10 December 2003 4:58 PM  
**To:** jenkinsall6@optusnet.com.au  
**Subject:** PCT Patent Application No. Our Ref: 37373WOP00

BSW

Mr Brian Jenkins  
H2O Holdings Pty Ltd  
C/- Hoddinott Consulting University of Newcastle Central  
Coast Campus 1 Chittaway Road  
Ourimbah New South Wales 2258

BY EMAIL - [jenkinsall6@optusnet.com.au](mailto:jenkinsall6@optusnet.com.au) <<mailto:jenkinsall6@optusnet.com.au>>  
CONFIRMATION via MAIL

Dear Brian

**Patent Co-Operation Treaty Patent Application No.**  
**PCT/AU03/01480**  
**Applicant: H2O Holdings Pty Ltd**  
**Title: A DISTILLATION UNIT AND A METHOD OF DISTILLATION**

We refer to our email of 13 November 2003.

#### **1. Filing Particulars**

In accordance with your instructions, a PCT application has been filed for the above invention. The Patent Office has provided filing particulars for the new application, these being as follows:

***P.C.T. Application Number:***

PCT/AU03/01480

***Filing Date:***

10 November 2003

***Claiming Priority from:***

Australia (AU) 2002952560 08 November 2002,  
Australia (AU) 2003900340 28 January 2003,  
Australia (AU) 2003902401 19 May 2003,  
Australia (AU) 2003903947 30 July 2003

***Countries Designated:***

United Arab Emirates, Antigua & Barbuda, Albania, Armenia, African Regional Industrial Property Organisation (ARIPO), Austria, Australia, Azerbaijan, Bosnia And Herzegovina, Barbados, Bulgaria, Brazil, Botswana, Belarus, Belize, Canada, Switzerland, People's Republic of China, Colombia, Costa Rica, Cuba, Czech Republic, Germany, Denmark, Dominica, Algeria, Eurasia, Ecuador, Estonia, Egypt, Europe, Spain, Finland, United Kingdom, Grenada, Georgia, Ghana, Gambia, Croatia, Hungary, Indonesia, Israel, India, Iceland, Japan, Kenya, Kyrgyzstan, Democratic People's Republic of Korea, Republic of Korea, Kazakhstan, Saint Lucia, Liechtenstein, Sri Lanka, Liberia, Lesotho, Lithuania, Luxembourg, Latvia, Morocco, Republic of Moldova, Madagascar, The former Yugoslav Republic of Macedonia, Mongolia, Malawi, Mexico, Mozambique, Nicaragua, Norway, New Zealand, African Intellectual Property Organisation (OAPI), Oman, Papua New Guinea, The Philippines, Poland, Portugal, Romania, Russian Federation, Seychelles, Sudan, Sweden, Singapore, Slovakia, Sierra Leone, Syrian Arab Republic, Tajikistan, Turkmenistan, Tunisia, Turkey, Trinidad and Tobago, United Republic of Tanzania, Ukraine, Uganda, United States of America, Uzbekistan, St Vincent and the Grenadines, Viet Nam, Serbia and Montenegro, South Africa, Zambia, Zimbabwe

African Regional Industrial Property Organization (ARIPO): (designating: Botswana, Ghana, Gambia, Kenya, Lesotho, Malawi, Mozambique, Sudan, Sierra Leone, Swaziland, United Republic of Tanzania, Uganda, Zambia and Zimbabwe).

Eurasia: (designating: Armenia, Azerbaijan, Belarus, Kyrgyzstan, Kazakhstan, Republic of Moldova, Russian Federation, Tajikistan, Turkmenistan).

Europe: (designating: Austria, Belgium, Bulgaria, Switzerland and Liechtenstein, Cyprus, Czech Republic, Germany, Denmark, Estonia, Spain, Finland, France, United Kingdom, Greece, Hungary, Ireland, Italy, Luxembourg, Monaco, Netherlands, Portugal, Romania, Sweden, Slovenia, Slovakia, Turkey).

African Intellectual Property Organization (OAPI) (designating: Burkina Faso, Benin, Central African Republic, Congo, Cote d'Ivoire, Cameroon, Gabon, Guinea, Guinea-Bissau, Equatorial Guinea, Mali, Mauritania, Niger, Senegal, Chad, Togo).

## **2. Outstanding Formalities**

To complete filing requirements there is a need to submit some formal documentation, copies of which are attached.

The first is an Appointment of Agent to be dated and signed by the inventors and also by an authorised officer of the company. This form is due to be filed by **18 December 2003**. This form, once completed, simply authorises BSW to act on behalf of the parties named in the application.

Secondly, there are two documents relating to the application in so far as it relates to the US. This includes a Declaration of Inventorship to be dated and signed by the inventors. This form is due to be filed by 8 March 2004. The other is an assignment that is to be dated and signed by the inventors before two witnesses, on the same day as the Declaration of Inventorship is signed.

The Declaration of Inventorship is to be included in the PCT Request and is for the purposes of the designation of USA only. The International Bureau will transmit a copy of the Declaration to the US Patent Office. Subsequently, it is only where the US Patent Office may reasonably doubt the veracity of the declaration that further documents will be required. Accordingly, we recommend lodging the Declaration now in the international phase since this may dispense with the need for filing further declarations at the US national phase stage.

## **3. Publication of the Application**

Details of the application will be published 18 months from the priority date which, in this case, is about May 2004. Once the official notice of that publication issues, we shall let you know.

## **4. International Search Report**

We expect to receive an International Search Report (ISR) relating to the application within the next month or so. We will forward this to you on receipt and advise you of the further steps to be taken at that stage.

## **5. Concluding Comments**

Please do not hesitate to contact us if further information is required in the interim.

Yours sincerely

Jack Redfern

Partner

Baldwin Shelston Waters

Level 21

60 Margaret Street

Sydney NSW 2000

Telephone +61 2 9777 1111

Fax: +61 2 9241 4666

Email: jackredfern@bswip.com.au

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appointment of  
agent (PDF).PDF...



Assignment  
(H2O).pdf



Declaration  
(H2O).pdf

Declaration of inventorship (Rules 4.17(iv) and 51 bis.1(a)(iv)) for the purposes of the designation of the United States of America:

I hereby declare that I believe I am the original, first and sole (if only one inventor is listed below) or joint (if more than one inventor is listed below) inventor of the subject matter which is claimed and for which a patent is sought.

This declaration is directed to the international application of which it forms a part (if filing declaration with application).

This declaration is directed to international application No. PCT/AU03/01480 (if furnishing declaration pursuant to Rule 26ter).

I hereby declare that my residence, mailing address, and citizenship are as stated next to my name.

I hereby state that I have reviewed and understand the contents of the above-identified international application, including the claims of said application. I have identified in the request of said application, in compliance with PCT Rule 4.10, any claim to foreign priority, and I have identified below, under the heading "Prior Applications," by application number, country or Member of the World Trade Organization, day, month and year of filing, any application for a patent or inventor's certificate filed in a country other than the United States of America, including any PCT international application designating at least one country other than the United States of America, having a filing date before that of the application on which foreign priority is claimed.

**Prior Applications:**

I hereby acknowledge the duty to disclose information that is known by me to be material to patentability as defined by 37 C.F.R. § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the PCT international filing date of the continuation-in-part application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name: John Barry FINN

Residence: New South Wales, Australia  
(city and either US state, if applicable, or country)

Mailing Address: 1 Ourimbah Street, Lisarow, New South Wales 2250, Australia

Citizenship: Australian

Inventor's Signature: \_\_\_\_\_  
(if not contained in the request, or if declaration is corrected or added under Rule 26ter after the filing of the international application. The signature must be that of the inventor, not that of the agent)

Date: \_\_\_\_\_  
(of signature which is not contained in the request, or of the declaration that is corrected or added under Rule 26ter after the filing of the international application)

Name: Brian Douglas JENKINS

Residence: New South Wales, Australia  
(city and either US state, if applicable, or country)

Mailing Address: 6 Hargrave Street, Wyong, New South Wales 2259, Australia

Citizenship: Australian

Inventor's Signature: \_\_\_\_\_  
(if not contained in the request, or if declaration is corrected or added under Rule 26ter after the filing of the international application. The signature must be that of the inventor, not that of the agent)

Date: \_\_\_\_\_  
(of signature which is not contained in the request, or of the declaration that is corrected or added under Rule 26ter after the filing of the international application)



This declaration is continued on the following sheet, "Continuation of Box No. VIII (iv)".

# Patent Co-Operation Treaty

## Instructions for Forms Execution

BSW Reference	37373WOP00
Applicant	H2O Holdings Pty Ltd <i>Where the applicant is not a natural person an authorised officer must sign.</i>
Inventors	John Barry Finn and Brian Douglas Jenkins
Forms with due dates	U.S. Declaration 8 March, 2004 Response to Defects Including Appointment of Agent 18 December, 2003 <i>Please ensure that documents are returned in good time before the due date. This allows us to forward onto our associates before the final deadline.</i>

Instructions	<p>Appointment of Agent to be dated and signed by the inventors and the applicant as indicated above.</p> <p>If PCT designates US, include the following:</p> <p>Declaration of Inventorship to be dated and signed by the inventors.</p> <p>Assignment to be dated and signed by the inventors before two witnesses, on the same day as the Declaration of Inventorship.</p> <p>The Declaration of Inventorship is to be included in the PCT Request and is for the purposes of the designation of USA only. The International Bureau will transmit a copy of the Declaration to the US Patent Office. Subsequently, it is only where the US Patent Office may reasonably doubt the veracity of the declaration that further documents will be required. Accordingly, we recommend lodging the Declaration now in the international phase since this may dispense with the need for filing further declarations at the US national phase stage.</p>
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## ASSIGNMENT

WHEREAS, We, **John Barry FINN**, an Australian citizen, residing at **1 Ourimbah Street, Lisarow, New South Wales 2250, Australia**; and **Brian Douglas JENKINS**, an Australian citizen, residing at **6 Hargrave Street, Wyong, New South Wales 2259, Australia**; hereinafter referred to as "ASSIGNORS", have invented certain new and useful improvements in **A DISTILLATION UNIT AND A METHOD OF DISTILLATION** for which we have filed an International Application for Letters Patent designating the United States through the Patent Cooperation Treaty (PCT) which was filed on **10 November 2003** and assigned PCT Application No. **PCT/AU03/01480**.

AND WHEREAS, **H2O Holdings Pty Ltd**, hereinafter referred to as "ASSIGNEE", an Australian Corporation, with its principal place of business at **C/- Hoddinott Consulting University of Newcastle Central Coast Campus, 1 Chiffaway Road, Ourimbah, New South Wales 2258, Australia**, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application;

NOW, THEREFORE, in return for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR hereby acknowledges that s(he) has sold, assigned, transferred and set over, and by these presents does hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; ASSIGNOR hereby authorizes and requests the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to

the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND ASSIGNOR covenants and agrees that s(he) will communicate to the said ASSIGNEE, its successors, legal representatives and assignees, any facts known to the said ASSIGNOR respecting said improvements; and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, ASSIGNOR intending to be legally bound has hereunto affixed its signature.

Dated this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
John Barry FINN

Witness: \_\_\_\_\_ Date: \_\_\_\_\_

Witness: \_\_\_\_\_ Date: \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Brian Douglas JENKINS

Witness: \_\_\_\_\_ Date: \_\_\_\_\_

Witness: \_\_\_\_\_ Date: \_\_\_\_\_

# APPOINTMENT OF AGENT

THE UNDERSIGNED APPLICANT HEREBY APPOINT

PETER REX HEATHCOTE  
STUART MURRAY SMITH  
CAROLINE MARIA BOMMER  
JOHN BERNARD REDFERN  
PAUL GERARD HARRISON  
RUSSELL JAMES DAVIES  
IVAN ALEXANDER RAJKOVIC  
PHILLIP DAVID PLUCK  
JOHN DOUGLAS FORSTER  
CHARLES WILLIAM TANSEY  
JACINTA ANN FLATTERY-O'BRIEN  
PETER JOHN TRELOAR  
SCOTT CHARLES PHILP  
KATHRYN LYNETTE SUNN

of the Firm of

**BALDWIN SHELSTON WATERS**

Patent & Trade Mark Attorneys

60 MARGARET STREET  
SYDNEY NSW 2000  
AUSTRALIA

to act on his/her or its behalf before all the competent International Authorities in connection with international application number PCT/AU03/01480 concerning:-

A DISTILLATION UNIT AND A METHOD OF DISTILLATION

(agents file reference 37373WOP00), filed with the Australian Patent Office.

(Place) \_\_\_\_\_ (Date) \_\_\_\_\_

(Signature) \_\_\_\_\_

John Barry Finn

(Place) \_\_\_\_\_ (Date) \_\_\_\_\_

(Signature) \_\_\_\_\_

Brian Douglas Jenkins

Executed for and on behalf of  
H2O Holdings Pty Ltd

by \_\_\_\_\_

Name: .....

Title/Position: .....

AT \_\_\_\_\_ ON THE \_\_\_\_\_

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